

Small Business Compliance Guide

The Department of Commerce's (the Department) Import Administration is charged with enforcing the antidumping (AD) and countervailing duty (CVD) laws. These laws provide for various types of administrative determinations, including investigations and reviews of AD and CVD orders. The Tariff Act of 1930, as amended, provides that the Department must complete its determinations within certain time limits. Thus, the Department established time limits in its regulations for the submission of factual information that is included on the record of its determinations, at 19 CFR §351.301.

Parties may submit various types of factual information on the record of a particular AD or CVD proceeding. This factual information includes statements of facts, documents, and data which are submitted: in response to questionnaires sent by the Department; to support allegations; and to value factors under section 351.408(c) or to measure the adequacy of remuneration under section 351.511(a)(2). Factual information also includes statements of facts, documents and data placed on the record by the Department. It includes statements of facts, documents, and data submitted to rebut, clarify, or correct factual information on the record.

Recently, the Department changed 351.301 and 351.102(b)(21) of the Department's regulations, after the Department identified concerns with the prior rule. This change was published in the *Federal Register* after the Department received comments upon it, and is also available on Import Administration's website, at <http://ia.ita.doc.gov/regs/index.html>. The Department changed the regulations because, under the prior rule, it was required to review large amounts of factual information when it was too late to adequately examine, analyze, and, if necessary, verify the information. Thus, it changed the regulations to improve the administration of AD and CVD proceedings.

In accordance with Section 212 of the Small Business Regulatory Enforcement Fairness Act, this serves as a guide to assist small entities in complying with 19 CFR §351.301. In order to comply with section 351.301 of the Department's regulations, each party participating in an AD or CVD proceeding, including small entities, must follow the time limits in the regulation. For instance, a party that wants to submit factual information to value factors under section 351.408(c) of the Department's regulations must submit that information 30 days before the date of the preliminary determination in an AD investigation. *See* 19 CFR §351.301(c)(3)(i). The party will also need to identify the type of information that it is submitting, such as "factual information submitted to value factors, 19 CFR §351.301(c)(3)(i)."

All parties must follow the time limits in the regulation, but parties may request extensions to the time limits. Refer to section 351.302 of the Department's regulations for guidance as to how to file an extension request. If you are participating in an AD or CVD proceeding and have questions concerning compliance with 19 CFR §351.301, contact the official in charge of that proceeding.